

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

Civil Action No.: _____

Jay Hinton,)
)
Plaintiff,)
)
v.)
)
Auro Hotels Management, LLC,)
)
Defendant.)
)

**DEFENDANT'S NOTICE OF
REMOVAL**

**TO: THE HONORABLE JUDGES OF THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA, GREENVILLE DIVISION**

Defendant Auro Hotels Management, LLC (“Defendant”), pursuant to 28 U.S.C. §§ 1331, 1441 (a) and (b), and 1446 (a), (b), and (d), hereby notices its removal of the above-captioned case from the Court of Common Pleas for Greenville County, South Carolina, to the United States District Court for the District of South Carolina, Greenville Division. The grounds for the removal are as follows:

1. A civil action is now pending in the Court of Common Pleas for Greenville County, South Carolina, bearing the case name as captioned above with Docket Number 2018-CP-23-05949. Plaintiff served the Complaint on Defendant on or about November 27, 2018.
2. According to the Complaint, Plaintiff is a citizen and resident of Greenville County in the State of South Carolina. (Complaint, ¶ 2).
3. According to the Complaint, Defendant is a Limited Liability Corporation licensed to do business in South Carolina that operates hotel locations in Greenville County, South Carolina. (Complaint, ¶ 3).

4. The Complaint alleges, among other allegations, that Defendant formerly employed Plaintiff and purportedly violated the Fair Labor Standards Act (“FLSA”), 29 U.S.C. § 201 *et seq.*

5. This Court has jurisdiction over this case pursuant to its Federal Question Jurisdiction under 28 U.S.C. § 1331. This Court has original jurisdiction over claims and/or causes of action arising under the FLSA. The FLSA provides that “[a]n action to recover the liability prescribed in [the FLSA] may be maintained against any employer (including a public agency) in any Federal or State court of competent jurisdiction by any one or more employees . . .” 29 U.S.C. § 216(b).

6. Thirty days have not elapsed since Defendant received the Summons and Complaint. Defendant has not yet answered or pleaded responsively to the Complaint.

7. Defendant files herewith in this Court a copy of the Summons and Complaint (Exhibit 1), which are the only process and pleadings contained in the Greenville Court of Common Pleas filings.

8. Pursuant to 28 U.S.C. § 1446(d), Defendant is serving a written notice of the filing of this removal on all adverse parties and a copy of the notice filed with the Greenville County Clerk of Court from which this action is removed, along with a copy of this Notice.

9. Defendant will serve and file an Answer or other response within the time frame set forth in Rule 81(c)(2)(C) of the Federal Rules of Civil Procedure.

WHEREFORE, Defendant prays that this Court accepts this Notice of Removal as sufficient for removal of this action and that this Court retain jurisdiction of this case.

ATTORNEYS FOR DEFENDANT

s/RW Belcher

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